

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA :

-v- :

KEVIN WALKER, :

Defendant. :  
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USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED

DOC #:

FILED: 11/3/20

16 Cr. 567 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

Defendant Kevin Walker petitions the Court to appoint counsel to represent him in a motion challenging his 18 U.S.C. § 924(c) conviction. Dkt. 242. The Court now has jurisdiction to consider his request because the mandate of the U.S. Court of Appeals disposing of his direct appeal and affirming his conviction issued on January 3, 2020. Dkt. 244; see United States v. Rodgers, 101 F.3d 247, 251 (2d Cir. 1996).

Nevertheless, Walker's request for counsel is denied. His motion to vacate his § 924(c) conviction advances an argument closely related to the one that the U.S. Court of Appeals for the Second Circuit rejected just weeks ago. Specifically, Walker argues that his § 924(c) conviction is invalid because it rests on multiple predicate crimes, but the Second Circuit implicitly rejected this reasoning when it affirmed his § 924(c) conviction with respect to the predicate crime of substantive Hobbs Act robbery. United States v. Kevin Walker, No. 18-2470-cr(CON), Slip. Op. at 6-7 (2d Cir. Jan. 3, 2020); see United States v.

Hill, 890 F.3d 51, 53 (2d Cir. 2018). Appointment of counsel to advance the argument again to this Court would therefore be fruitless.

SO ORDERED.

Dated:

New York, NY

January 30 2020

  
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JED S. RAKOFF, U.S.D.J.